

AMENDMENT NO. \_\_\_\_\_

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**Signature of Sponsor**

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1771**

**House Bill No. 1782**

by deleting all language following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 21, Part 9, is amended by adding the following language as a new, appropriately designated section:

(a)

(1) As used in this section, "Title VI" means Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq., as amended, and federal regulations promulgated pursuant thereto.

(2) There is hereby created an independent entity of state government, to be known as the Title VI Compliance Authority. The authority shall be governed by a board of directors consisting of eleven (11) members as provided in this section.

(b) The board of directors shall consist of nine (9) citizen members appointed by the governor, three (3) of whom shall reside in each grand division of the state. Additionally, the board shall consist of two (2) non-voting, legislative members as follows: one (1) member of the senate, to be appointed by the speaker of the senate to a two (2) year term; and one (1) member of the house of representatives, to be appointed by the speaker of the house of representatives to a two (2) year term.

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(c) Each of the nine (9) citizen members of the board of directors shall be appointed for a term of six (6) years. A citizen member may be appointed to serve not more than two (2) consecutive six (6) year terms.

(d) The board of directors shall annually elect one of its voting members to serve as chairperson. A quorum of the board shall consist of six (6) voting members.

(e) Citizen members of the board of directors shall be appointed on a nonpartisan basis and shall reflect the state's racial and ethnic diversity. At least three (3) of the citizen members shall be African Americans; at least one (1) citizen member shall be sixty-five (65) years of age or older; and at least one (1) citizen member shall be a woman. Board members shall, by virtue of education and/or experience, collectively possess broad knowledge and expertise pertaining to matters of government, commerce, law, human rights, and ethics. No citizen member serving on the board of directors shall be an officer or employee of any agency or entity of federal, state, or local government; no member serving on the board of directors shall be a subrecipient or an owner, officer, or employee of a subrecipient of federal funds transmitted through an entity of state government; and no member serving on the board of directors shall be a subcontractor or an owner, officer, or employee of a subcontractor of a subrecipient of federal funds transmitted through an entity of state government.

(f) In the event of the death or resignation of a board member, such member's successor shall be appointed to serve the balance of the unexpired term.

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(g) Citizen members of the board are entitled to reimbursement for expenses incurred in the performance of duties pursuant to this section, such reimbursement to be paid in accordance with the provisions of the comprehensive travel regulations promulgated by the department of finance and administration and approved by the attorney general and reporter. Legislative members of the board shall also be entitled to reimbursement for expenses incurred in the performance of such duties, such reimbursement to be paid in the manner established by the provisions of Tennessee Code Annotated, Section 3-1-106, for attendance at legislative committee meetings.

(h) The board of directors of the Title VI Compliance Authority shall have power to:

- (1) establish and maintain a central office;
- (2) meet and exercise its powers throughout the state;
- (3) employ an executive director, attorneys, investigators, clerks, and other employees as it may deem necessary;
- (4) review current Title VI monitoring and enforcement procedures as reflected by federal and state statutes, rules, regulations, programs, services, budgetary priorities, and Title VI implementation plans;
- (5) define and establish the components, guidelines and objectives of a comprehensive state policy to ensure and promote present and future compliance with Title VI;

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(6) identify any Tennessee laws, rules, programs, services, budgetary priorities, and Title VI implementation plans which conflict with the components, guidelines, and objectives of such comprehensive policy;

(7) search for any interdepartmental gaps, inconsistencies, and inefficiencies in the implementation of such comprehensive policy;

(8) identify any new laws, rules, programs, services, budgetary priorities, and implementation plans which are needed to ensure and promote present and future compliance with and enforcement of Title VI;

(9) serve as an in-house informational resource for the general assembly on legislative policy matters concerning monitoring compliance with and enforcement of Title VI;

(10) serve as the central coordinating agency of state government for provision of technical assistance, consultation, and resources to encourage and assist compliance by state governmental entities and by the subrecipients of federal funds transmitted through such entities, with the requirements of Title VI;

(11) conduct research, hold public hearings, publish reports, and engage in other activities to inform Tennesseans of the provisions and requirements of Title VI;

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(12) serve as a clearinghouse for allegations of Title VI noncompliance committed by state governmental entities and by the subrecipients of federal funds transmitted through such entities;

(13) investigate such allegations of noncompliance;

(14) exercise such powers as are conferred on committees of the general assembly pursuant to the provisions of Tennessee Code Annotated, Title 3, Chapters 3 and 4, provided, however, such powers shall be exercised by the board with respect to a particular state governmental entity, or subrecipient of a state governmental entity, if and only if such entity or subrecipient has timely failed to voluntarily comply with a reasonable informational request submitted in writing by the board;

(15) prevent violations of Title VI by state governmental entities and by the subrecipients of federal funds transmitted through such entities, by means of litigation filed in the chancery court of Davidson County seeking equitable remedy including, but not necessarily limited to, injunction of expenditure of federal funds by the state governmental entity and by the subrecipients of federal funds transmitted through such entity; provided, however, such litigation shall be filed by the board if, and only if, a particular entity or subrecipient has failed for a period of at least thirty (30) days to voluntarily comply with the board's written

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recommendation that the entity or subrecipient cease and/or desist from a specified policy or practice which violates Title VI;

(16) promulgate, in accordance with the uniform administrative procedures act, Tennessee Code Annotated, Title 4, Chapter 5, such rules as may be reasonably necessary to implement the provisions of this act in an effective and efficient manner;

(17) report annually to the governor and the general assembly on the authority's activities, findings, and recommendations; and

(18) perform such other activities as are reasonably related to the objectives of this section.

(i) It is the legislative intent that, to the extent legally permissible, funding for the Title VI Compliance Authority shall be annually appropriated from that portion of the state's federal grant assistance which is available to defray the state's administrative expenses.

SECTION 2. This act shall take effect on July 1, 1995, the public welfare requiring it.